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MOURNING DOVE A MIGRATORY  
BIRD, COURT DECIDES.

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The mourning dove, known in some localities as the Carolina or turtle dove, is a migratory bird coming within the protection afforded by the Migratory Bird Treaty and the Act of Congress to give it effect, although individuals of the species remain within the borders of certain States the entire year. This decision was rendered in the case of the United States against Joseph H. Lumpkin, brought to trial at Athens, Ga., November 14, before Federal Judge S. H. Sibley and a jury.

The defendant, who was charged with killing mourning doves during the Federal close season, contended that the birds which he had killed had not migrated but had remained in Georgia the entire year, and for this reason were not covered by the Federal statute. The case, which attracted widespread attention, was attended by prominent attorneys of Georgia.

The court held as a matter of law that the mourning dove is protected by the Migratory Bird Treaty, Act, and Regulations, and instructed the jury that the only question of fact to be decided by it was whether the defendant actually killed mourning doves in the close season as charged in the indictment. The trial consumed two days and resulted in the jury returning a verdict of guilty, and the imposition of a fine of \$25 and costs.